

United States Court of Appeals
For the Eighth Circuit

No. 17-2465

United States of America

Plaintiff - Appellee

v.

Daniel Loza-Ramirez

Defendant - Appellant

Appeal from United States District Court
for the District of Nebraska - Omaha

Submitted: February 1, 2018

Filed: February 12, 2018

[Unpublished]

Before BENTON, MURPHY, and ERICKSON, Circuit Judges.

PER CURIAM.

Daniel Loza-Ramirez directly appeals the sentence the district court¹ imposed after he pleaded guilty to distributing cocaine, pursuant to a plea agreement that

¹The Honorable Robert F. Rossiter, Jr., United States District Judge for the District of Nebraska.

contained a waiver of the right to appeal his sentence. Loza-Ramirez's counsel has moved to withdraw, and has filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing that the sentence is substantively unreasonable.

Upon careful review, we conclude that the waiver is valid, applicable, and enforceable. See United States v. Scott, 627 F.3d 702, 704 (8th Cir. 2010) (de novo review of validity and applicability of appeal waiver); United States v. Andis, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc) (appeal waiver will be enforced if appeal falls within scope of waiver, defendant knowingly and voluntarily entered into plea agreement and waiver, and enforcing waiver would not result in miscarriage of justice). Having independently reviewed the record under Penson v. Ohio, 488 U.S. 75 (1988), we find no nonfrivolous issues for appeal falling outside the scope of the appeal waiver.

Accordingly, we grant counsel's motion to withdraw, and we dismiss this appeal.
